R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

New claims 13 and 15 have been prepared based on (now canceled) claims 11 and 12 and to recite features of the present invention corresponding to steps ST15-17 of Fig. 2.

In addition, new claims 14 and 16 have been prepared based on, for example, steps ST5 and ST16 of Fig. 2.

No new matter has been added, and it is respectfully requested that new claims 13-16 be approved and entered.

THE OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claims 11 and 12 were rejected under the doctrine of obviousness-type double patenting as being obvious in view of claims 1-3, 6, 8, 9 and 11-15 of USP 6,597,875 ("Hasegawa"), in view of USP 6,672,695 ("Naka et al"). This rejection is respectfully traversed with respect to new independent claims 13 and 15, and new claims 14 and 16 depending therefrom.

It is respectfully pointed out that according to Hasegawa, a process unit is determined to be normal if a response code, generated by encoding an identification code from the identification code generation section, matches a specific code

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in the identifying apparatus generated by encoding the
identification code. In Hasegawa, if the identification code
matches a first specific code generated using a first logic, the
process unit is determined to be unused, while if the
identification code matches a second specific code generated
using a second logic, the process unit is determined to be in use
(currently used).

The Examiner acknowledges that Hasegawa does not disclose a
storage section that stores a plurality of second logics. For
this reason, the Examiner has cited Naka et al to supply the
missing teachings of Hasegawa.

As recognized by the Examiner Naka et al discloses a printer
that is managed by a host that stores "cartridge identification
information" and "ink total consumption amount" information for
each ink cartridge in an ink jet printer.

The Examiner contends that the cartridge identification
information of Naka et al, for separately managing ink
cartridges, corresponds to the second logic of Hasegawa (page 4,
lines 4-6 of the Office Action), and therefore that it would have
been obvious to modify Hasegawa to provide a plurality of second
logics in the manner of the claimed present invention.

It is respectfully submitted, however, that the first and
second logics of Hasegawa are different from the cartridge
identification information of Naka et al, and therefore that it

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would not have been obvious to modify Hasegawa as suggested by the Examiner in view of Naka et al.

According to Hasegawa, the first logic is set in all unused process units and in the identifying apparatus, since the first logic is be the same to identify unused units. The second logic, moreover, is set in the process unit by the identifying apparatus to mark and identify the process unit as a currently used unit. However, Hasegawa does not at all disclose, teach or suggest that different process units can be discriminated from each other based on the first or second logics.

According to Naka et al, moreover, the cartridge identification information is inherent to the cartridge and is, for example, the "serial manufacture number" of the cartridge.

Thus, the cartridge identification information according to Naka et al individually identifies the cartridge, and is inherent to the cartridge. The cartridge identification information of Naka et al is not written in the cartridge, and does not itself identify whether the cartridge is new or used.

By contrast, the second logic of Hasegawa is not usable to uniquely identify the process unit, is not initially inherent to the process unit, and is written in the process unit by the identifying apparatus to mark the process unit as a used unit.

Accordingly, it is respectfully submitted that the second logic of Hasegawa and the cartridge identification information of

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Naka et al are clearly not analogous and are clearly not properly combinable.

In any event, it is respectfully submitted that even if the teachings of Hasegawa and Naka et al were combinable as suggested by the Examiner, the logical combination thereof would only result in tracking consumption of the process unit based on the serial number, as according to Naka et al, and writing a second logic in the process unit to mark it as in use, as according to Hasegawa. This resultant combination, however, would not achieve or render obvious storing a plurality of different second logics that both identify the consumable as used and that are stored in association with data for tracking use of consumables, in the manner of the claimed present invention.

It is respectfully submitted, moreover, that neither Hasegawa nor Naka et al discloses, teaches or suggests determining whether a count value is equal to or less than a limit value and identifying a consumable as unusable if the count value is larger than the limit value, in the manner of the present invention as recited in each of new independent claims 13 and 15.

In view of the foregoing, it is respectfully requested that the obviousness-type double patenting rejection be withdrawn.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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